

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
(TEXARKANA DIVISION)

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
Plaintiff

v.

GREGG ORR AUTO COLLECTION, INC.
Defendant

§
§
§
§
§
§
§
§
§

Case No: 5:23-cv-97

JUDGE: ROBERT W. SCHROEDER III

JOINT STATUS REPORT

Pursuant to the Court’s February 5, 2024 Discovery Order, Plaintiff, Equal Employment Opportunity Commission, and Defendant, Gregg Orr Auto Collection, Inc., respectfully submit this Joint Status Report regarding their progress towards an e-discovery agreement. On February 2, 2024, the parties submitted their joint proposed discovery order. *See* ECF No. 14-2. That submission stated, “[t]he parties have agreed on the format and relevant discovery period for the disclosures described in [the Discovery Order] . . . Defendant is completing its assessment of available sources of electronically-stored information (ESI).” *See id.* at ¶ 4. Based on that understanding, the parties agreed to continue working towards a comprehensive e-discovery agreement.

The parties’ agreement regarding the format of production occurred on February 2, 2024, when Defendant’s counsel confirmed that Defendant agreed to comply with a set of production specifications the Commission had previously provided. The specifications address common issues such as the preservation and production of metadata. On February 17, 2024, after continued conferral regarding e-discovery issues, the Commission sent Defendant a proposed ESI protocol that incorporated the agreed production specifications. Defendant’s counsel responded to the

Commission's proposal on February 29, 2024. Defendant's response eliminated the previously agreed production specifications due to initial miscommunications from Defendant to its counsel. The Commission has advised Defendant that this reversal is not acceptable.

The parties will attend mediation before Magistrate Judge Baxter on Tuesday, March 5, 2024. Therefore, the parties respectfully request an extension of the deadline to submit a proposed e-discovery agreement for the Court's consideration until March 15, 2024. The parties agree that this shall be the final request for an extension of this deadline. If the parties are at impasse on any issues on March 15, 2024, the parties shall make a joint submission that memorializes areas of agreement and presents the parties' respective positions on any remaining disputes.

Respectfully submitted,

/s/ Louise Tausch

LOUISE TAUSCH

Texas State Bar No. 19680600

Arkansas State Bar No. 86212

Email: ltausch@arwhlaw.com

**ATCHLEY, RUSSELL, WALDROP
& HLAVINKA, L.L.P.**

1730 Galleria Oaks Drive

Texarkana, Texas 75503

TEL: 903/792-8246; FAX: 903/792-5801

**ATTORNEYS FOR DEFENDANT,
GREGG ORR AUTO COLLECTIONS, INC.**

AND

Marsha L. Rucker (PA Bar No. 90041)

Regional Attorney

Email: marsha.rucker@eeoc.gov

TEL: 205-651-7045; FAX: 205-212-2105

Bryan A. Grayson (AL Bar No. ASB-8944-N65G)

Supervisory Trial Attorney

Email: bryan.grayson@eeoc.gov
TEL: 205-651-7073; FAX: 205-212-2105

Alysia D. Franklin (CA Bar No. 264410)
Senior Trial Attorney
Email: alysia.franklin@eeoc.gov
TEL: 205-651-7016; FAX: 205-212-2105

Deborah A. Mann (AL Bar No. ASB-1264-G20C)
Trial Attorney
Email: deborah.mann@eeoc.gov
TEL: 205-651-7082; FAX: 205-212-2105

U.S. Equal Employment Opportunity Commission
Birmingham District Office
1130 22nd Street South, Suite 2000
Birmingham, AL 35205

/s/ Benjamin G. Cain
Benjamin G. Cain (DC Bar No. 1046636)
Trial Attorney
Email: benjamin.g.cain@eeoc.gov
TEL: 769-487-6907; FAX: 601-714-2202

U.S. Equal Employment Opportunity Commission
Jackson Area Office
Dr. A.H. McCoy Federal Bldg.
100 W. Capital St., Suite 338
Jackson, MS 39269

**ATTORNEYS FOR PLAINTIFF,
U.S. EQUAL EMPLOYMENT OPPORTUNITY**

CERTIFICATE OF SERVICE

I hereby certify that on March 1, 2024, I filed the foregoing Joint Status Report with the Clerk of the Court using the CM/ECF system which will electronically send notification of the filing to all attorneys of record.

/s/ Benjamin G. Cain
Benjamin G. Cain